



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,975	12/29/2000	Charles Elkins	V199-1933	9062

7590

10/17/2002

Thomas E. Donohue
Artz & Artz, PC
Suite 250
28333 Telegraph Road
Southfield, MI 48034

EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/751,975

Applicant(s)

ELKINS ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Examiner notes that the new prior art cited and used during the office action (Reijnders 6,464,121) had not been printed at the time the office action was sent. However, a copy of the Patent Application Publication has been included for your convenience.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reijnders in view of DeTorre.

Reijnders discloses the invention including an apparatus (20) for separating individual boards from a multiple array (Fig. 7) with pre-scored planes (3) and a plurality of electrical components (Fig. 3), at least one wedge shaped splitting element (20) positioned along one of the pre-scored planes (Fig. 6) but fails to disclose at least one torque inducing element mechanically forcing the material onto the splitting element thereby breaking the material along the pre-scored plane, a stabilizing element, that the splitting element is block shaped, and that the torque inducing element forces the board array without loading the electrical components. DeTorre teaches at least one torque inducing element (112) mechanically forcing the material onto the splitting element thereby breaking the material along the pre-scored plane (Fig. 6), a stabilizing element (114), that the splitting element is block shaped (116), and that the torque inducing

Art Unit: 3724

element forces the board array without loading the electrical components (Examiner notes that in combining Figure 6 of DeTorre and Figure 7 of Reijnders, the splitter comes down into contact with a top side of the board while the torque inducing elements would travel up to make contact with the opposite side of the board.

Therefore, the bottom of the board would shield the electrical components and bare all the load). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Reijnders with torque inducing element for a more efficient way to separated the boards.

3. Claims 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reijnders in view of DeTorre as applied to claims 1, 2, 4, and 5 above, and further in view of Duecker. Reijnders and DeTorre disclose the invention but fail to disclose that the stabilizing element includes a plate member and a plurality of springs, a transport element with a plurality of wheels, and that at least one torque moving element is a pneumatic lever. Duecker teaches a stabilizing element including a plate member (41) and a plurality of springs (44), a transport element (24) with a plurality of wheels (25), and that at least one torque moving element is a pneumatic lever (45). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Reijnders and DeTorre with a stabilizing element to more effectively hold the material, a transport element to automatically move the material into position, and a pneumatic lever as a torque moving element to provide for alternate means to control the torque.

Art Unit: 3724

4. Claims 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reijnders in view of DeTorre further in view of Duecker. Reijnders discloses the invention including an apparatus (20) for separating individual boards from a multiple array (Fig. 7) with pre-scored planes (3) and a plurality of electrical components (Fig. 3), at least one wedge shaped splitting element (20) positioned along one of the pre-scored planes (Fig. 6) but fails to disclose at least one torque inducing element using surface loading to mechanically force the material onto the splitting element thereby breaking the material along the pre-scored plane, that the torque inducing element forces the board array without loading the electrical components, that the stabilizing element includes a plate member and a plurality of springs, a transport element with a plurality of wheels, and that at least one torque moving element is a pneumatic lever. DeTorre teaches at least one torque inducing element (112) using surface loading to mechanically force the material onto the splitting element thereby breaking the material along the pre-scored plane (Fig. 6) and that the torque inducing element forces the board array without loading the electrical components (Examiner notes that in combining Figure 6 of DeTorre and Figure 7 of Reijnders, the splitter comes down into contact with a top side of the board while the torque inducing elements would travel up to make contact with the opposite side of the board. Therefore, the bottom of the board would act as shield for the electrical components and bare the entire load). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Reijnders with torque inducing element for a more efficient way to separate the boards.

Duecker teaches a stabilizing element including a plate member (41) and a plurality of springs (44), a transport element (24) with a plurality of wheels (25), and that at least one torque moving element is a pneumatic lever (45) to DeTorre. Since the apparatus has been disclosed, the method is inherent. Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provided Reijnders and DeTorre with a stabilizing element to more efficiently hold the material, a transport element to automatically move the material into position, and a pneumatic lever as a torque moving element to provide for alternate means to control the torque.

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3724

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

JP
October 11, 2002


Allen N. Shoap
Supervisory Patent Examiner
Group 3700